

FILED  
BILLINGS DIV.

2008 FEB 14 PM 12 57

IN THE UNITED STATES DISTRICT COURT

PATRICK E. DUFFY, CLERK

FOR THE DISTRICT OF MONTANA

BY \_\_\_\_\_  
DEPUTY CLERK

BILLINGS DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

Case No. CR-05-51-BLG-JDS

vs.

ORDER

ANTHONY JAMES CASTRO,  
Defendant.

Presently before the Court is a Memorandum from the Ninth Circuit Court of Appeals regarding the Judgment on Defendant's Revocation of October 23, 2006 wherein this Court sentenced the Defendant to twelve months custody. The appellate court's memorandum vacates the sentence and orders remand in order to further develop the court record regarding the reasonableness of the sentence imposed.

However, a review of the record reflects that the Defendant has already served his time on the appealed judgment. As such, any hearing on the directed remand would be futile and therefore moot. For the following reason, IT IS HEREBY ORDERED that no remand is necessary.

The Clerk of Court shall notify the Parties of the making of this Order.

DATED this 14<sup>th</sup> of February, 2008.



HON. JACK D. SHANSTROM  
SENIOR UNITED STATES DISTRICT JUDGE